

Serial No. : 10/686,895
Filed : October 16, 2003

REMARKS

In the office action, the examiner rejected Claims 1-18 under 35 U.S.C. 112, second paragraph, as being infinite and also under 35 U.S.C. 102(b) as being anticipated by Miyaki (U.S. Patent Application Publication No. 2002/0130906).

With respect to the rejection under 35 U.S.C. 112, second paragraph, the examiner stated that the terms "large" and "type" in the claims are not clear and suggested to delete the terms. The applicant believes that, in this particular application, the terms "large" and "type" even helps the reader to understand the invention because of the unique nature of the invention. In the pre-appeal brief request, the applicant has reiterated why these terms do not render the claims indefinite based on the MPEP 2173.05(b).

The notice of panel decision from pre-appeal brief review, it is indicated that the application remains under appeal because there is at least one actual issue for appeal. Since the rejection under 35 U.S.C. 112, second paragraph, is less important for the applicant to compromise, the above amendment in the claims is to follow the suggestions by the examiner. In the amendment, the term "large structure" is changed to --particular structure--, and the term "type" is deleted.

The applicant believes that the above amendment should be admitted under CFR 37 1.116 because (1) it complies with the requirement of for expressly set forth in the previous action, and

Serial No. : 10/686,895
Filed : October 16, 2003

(2) it presents the claims in better form for consideration on appeal. In other words, the purpose of the amendment is to focus on the issue regarding the rejection under 35 U.S.C. 102 (b) in the appeal by overcoming the rejection under 35 U.S.C. 112, second paragraph, by following the examiner's suggestion,

The applicant respectfully requests that the entry of the above amendment in the claims.

Respectfully submitted,

MURAMATSU & ASSOCIATES

Dated: 12/06/2007

By: 
Yasuo Muramatsu
Registration No. 38,684
114 Pacifica, Suite 310
Irvine, CA 92618
(949) 753-1127

AMD-AP36.006
120507